

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | 4:12CR3049 |
| |) | |
| v. |) | |
| |) | AMENDED STATEMENT OF POSITION |
| NICHOLAS H. PLACHY, |) | |
| |) | |
| Defendant. |) | |

COMES NOW the Plaintiff, United States of America, by and through the undersigned Assistant United States Attorney, and hereby amends its previously filed Statement of Position as follows:

1. On March 14, 2013, the United States submitted a Statement of Position indicating that it had no objection to the Revised Presentence Investigation Report and did not anticipate producing any evidence other than possibly rebuttal evidence.
2. On March 19, 2013, the probation office submitted to this Court a request for restitution made by victims identified in the "Erik Series" of images recovered from the defendant's computer. In addition to the letter submitted by the victims' attorney, additional documentary evidence was submitted to the Court.
3. Based on this evidence, the United States amends its Statement of Position to request the imposition of a restitution order in the sum of \$10,000. At sentencing, the United States will offer the evidence presented by the probation office in its submission of March 19, 2013, and will request that restitution be imposed. The United States will ask that any evidence presented with respect to the request for restitution be sealed at the time of the sentencing hearing.

WHEREFORE, the United States gives notice to the defendant and the Court that the United States will be requesting an order of restitution as part of the sentence in this matter.

Respectfully submitted,

UNITED STATES OF AMERICA,

BY: DEBORAH R. GILG
United States Attorney, D.NE.

And: s/Steven A. Russell
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CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Michael J. Hansen, Esquire

and I hereby certify that I have caused this document to be delivered by electronic mail to the following non CM/ECF participants:

Annalee M. Thomas, U.S. Probation Officer

s/Steven A. Russell
STEVEN A. RUSSELL #16925
Assistant United States Attorney